

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk / 954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: July 29, 2009 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the July 29, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): July 29, 2009 minutes

**TOWN OF DAVIE
REGULAR MEETING
JULY 29, 2009**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Crowley and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Barbara Tilley thanked Town staff for their efforts in Park City.

Arthur Joseph felt that rescinding the laws that forced developers to pay for infrastructure improvements associated with development was a bad idea because municipalities and homeowners would be responsible to pay for the infrastructure. He wanted the Town to join the City of Weston in the lawsuit regarding this matter.

Mayor Paul stated that staff had requested tabling items 6.4 and 6.5 to August 19, 2009.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to table items 6.4 and 6.5 to August 19, 2009. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul announced that item 8.1 needed to be added.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 May 20, 2009 (Regular Meeting) (tabled from June 17, 2009)
- 4.2 June 3, 2009 (Regular Meeting)
- 4.3 June 11, 2009 (Workshop Meeting)
- 4.4 June 16, 2009 (Budget Meeting)
- 4.5 June 17, 2009 (Regular Meeting)

Resolutions

- 4.6 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.** (tabled from June 17, 2009)

- 4.7 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PEPSI-COLA BOTTLING OF FT. LAUDERDALE-PALM BEACH, INC. FOR AN EXCLUSIVE BEVERAGE AGREEMENT.

- 4.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOLLYWOOD, HOLLYWOOD HOUSING AUTHORITY, AND THE TOWN OF DAVIE PROVIDING FOR TEMPORARY USE OF THE TOWN OF DAVIE'S SANITARY SEWER SYSTEM.
- 4.9 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SERVICE PROVIDER AGREEMENT WITH FRED FOX ENTERPRISES, INC. IN THE AMOUNT OF \$98,000 TO ASSIST WITH THE ADMINISTRATION OF THE TOWN'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND TO ACT AS A CONSULTANT WITH THE ADMINISTRATION OF ALL OTHER ACTIVITIES RELATED TO THE SUCCESSFUL COMPLETION OF THE NSP PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.10 **ACTION PLAN** - A RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR FY 2009/10 WHICH INCLUDES THE CDBG PROGRAM BUDGET; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN DOCUMENTS WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE ACTION PLAN; AND AUTHORIZING SUBMISSION OF THE ACTION PLAN TO HUD
- 4.11 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR THE EXPENDITURE OF 2007/08 AND 2008/09 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS IN THE TOTAL AMOUNT OF \$110,107 TO PROVIDE FOR CLOSING COSTS AND DOWN PAYMENT ASSISTANCE FOR FIRST-TIME HOMEBUYERS.
- 4.12 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN INGRESS-EGRESS EASEMENT FROM 595 CORPORATE PARK OF COMMERCE CONDOMINIUM ASSOCIATION, INC., AND AUTHORIZING THE PROPER TOWN

OFFICIALS TO EXECUTE THE INGRESS-EGRESS EASEMENT;
AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.13 **EASEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING CONSERVATION EASEMENTS AS A METHOD OF ENSURING PERPETUAL PROTECTION OF THE TOWN'S PARKS, TRAILS AND OPEN SPACES BY PLACING DEED RESTRICTIONS ON THESE LANDS TO LIMIT THEIR USES TO THE PURPOSES DESIGNATED ON BEHALF OF THE RESIDENTS OF THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.14 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF COMMUNITY REDEVELOPMENT ASSOCIATES OF FLORIDA, INC. TO PROVIDE REHABILITATION OF SINGLE FAMILY HOMES SERVICES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR POLICE DEPARTMENT UNIFORMS FROM GOLD NUGGET d/b/a ARGO UNIFORM COMPANY. (\$60,000/year)
- 4.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR FIRE RESCUE DEPARTMENT UNIFORMS FROM GOLD NUGGET D/B/A ARGO UNIFORM CO. (\$49,577.90)
- 4.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SCHOOL CROSSING GUARDS FROM THE BUTLER GROUP OF SOUTH FLORIDA, LLC d/b/a NEXTAFF. (\$280,000)
- 4.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID SUBMITTED BY METRON-FARNIER, LLC FOR EQUIPMENT TO CONVERT WATER METERS TO AN AUTOMATED METER READING SYSTEM.
- 4.19 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR FERTILIZER.
- 4.20 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALT OVERLAY.
- 4.21 **AUTHORIZATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE GREEN ENERGY AND ENVIRONMENTAL COMMITTEE TO DRAFT RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING THE ESTABLISHMENT OF A FLEET VEHICLE REPLACEMENT PROGRAM INVOLVING THE USE OF HYBRID, FUEL EFFICIENT AND/OR ALTERNATIVE FUEL VEHICLES AND AUTHORIZING STAFF TO APPLY FOR APPLICABLE GRANTS INCLUDING THE CLEAN CITIES PROGRAM FOR THIS PURPOSE.

- 4.22 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIEN IN CASE NO. 08-172 FROM \$39,490.15 IN AMOUNT TO \$10,382.73; AND PROVIDING AN EFFECTIVE DATE.

- 4.23 **SOLID WASTE ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
- 4.24 **FIRE RESCUE ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING FIRE RESCUE ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
- 4.25 **PROPOSED MILLAGE RATE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE PROPOSED MILLAGE RATES TO BE LEVIED FOR OPERATING PURPOSES AND FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010.
- 4.26 **IMPACT FEES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE RESULTS OF A CONSULTANT'S STUDY AND ADOPTING A SCHEDULE OF POLICE, FIRE, PARKS & RECREATION AND GENERAL ADMINISTRATION SERVICES IMPACT FEES RECOMMENDED BY THAT STUDY AND PROVIDING AN EFFECTIVE DATE. [see related item 6.7]
- 4.27 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING THE VAN KIRK PARK APPLICATION FOR A GRANT FROM THE BROWARD COUNTY PARKS FOR PEOPLE GRANT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION.
- 4.28 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING THE LIBERTY PARK

APPLICATION FOR A GRANT FROM THE BROWARD COUNTY
PARKS FOR PEOPLE GRANT PROGRAM, AND IF AWARDED
THE GRANT, AUTHORIZING ITS ACCEPTANCE AND
EXECUTION.

Councilmember Luis pulled items 4.6 and 4.26 from the Consent Agenda.
Councilmember Starkey pulled items 4.4, 4.12, 4.13 and 4.22.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to
approve the Consent Agenda, less items 4.4, 4.6, 4.12, 4.13, 4.22, and 4.26. In a voice
vote, all voted in favor. (Motion carried 5-0)

Mayor Paul asked to hear item 9.3 next.

Councilmember Starkey made a motion, seconded by Councilmember Luis, the move item 9.3 up on the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Councilmember Starkey requested tabling this item to the next meeting for corrections.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table to the next meeting [August 5, 2009]. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Councilmember Luis reminded Council that he previously had taken issue with this architect because he believed the architect to be comparatively expensive. He had since met with the architect and no longer had an issue with him. Councilmember Luis advised that he had also met with Mr. Shimun and now believed that it would be better to start bidding projects out instead of keeping two architects on retainer. Councilmember Luis had also heard from architects that the Town's requirement for them to hold certain insurances before bidding was a hardship. He suggested waiving the insurance during the bid process and requiring it after the bid was awarded.

Procurement Manager Herb Hyman explained that potential contractors were advised to submit bids even if they did not have the insurance. Mr. Shimun requested that this be included in the bid language in the future.

Public Works Director Manny Diez advised that staff had a group of architects, consultants and engineers being used on a revolving basis for smaller projects. If they began creating RFPs for smaller projects, he believed the projects would take longer.

Councilmember Starkey said that she had heard complaints from residents regarding how long projects were taking and suggested they approve this, and continue to bid smaller projects.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve and to continue the RFP process with the language Mr. Shimun suggested.

Mr. Diez confirmed that there was only one architect on retainer.

Councilmember Caletka stated that he was opposed because he remembered the concerns voiced regarding cost when Council had discussed this on June 17th. He would rather have the projects open for bids.

Mayor Paul wondered if the architect would be willing to renegotiate the rate. Vice-Mayor Crowley said if the architect was willing to negotiate, he would withdraw his second of the motion. Councilmember Starkey withdrew her motion.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to table to August 19, 2009. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Starkey stated that she was concerned about providing safe access for Indian Ridge Middle School. Indian Ridge Middle School's principal had wanted to attend to comment on this, but was not present, and Councilmember Starkey asked if this item could be tabled. Mayor Paul suggested the item be heard later.

Planning and Zoning Manager David Quigley advised that staff had reviewed this and found no conflict with the site plan, but he was unaware if it was time sensitive.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table to August 19, 2009. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Councilmember Starkey was concerned that staff and Mr. Rayson should be driving this, not a community organization. She would support this if Section 2 were amended to eliminate this reference. Mayor Paul said the intent had been to have the Davie Area Land Trust assist in performing background research that would be reviewed by staff and Mr. Rayson. She believed that an organization must hold the easement as the Town could not. Mr. Rayson did not know of a reason why the Town could not hold a conservation easement and agreed to research this and report back to Council.

Councilmember Starkey made a motion to table to August 19, 2009. She stated that a member of the public wanted to speak on this item to which Councilmember Caletka objected.

Michael Bartlett, Parks and Recreation Advisory Board member, believed protecting the Town's parks was the responsibility of Council and he was concerned with assigning this responsibility to a private organization. Mayor Paul said the involvement of the Land Trust would only be to perform research.

Councilmember Starkey asked Mr. Rayson to examine the language and reword it if necessary to clarify.

Vice-Mayor Crowley seconded the motion. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey announced that Frank Zagari, principal of Indian Ridge Middle School, had arrived. She informed him that Council had tabled item 4.12 to Council's August 19, 2009 meeting.

Mr. Zagari thanked the Town for the level of cooperation the school had experienced with the Police and Fire Departments. He was certain they could work out a solution regarding the access road.

4.22 Councilmember Starkey pointed out that the date of the Notice of Violation was January 18, 2006, and the hearing had been in December 2007. She asked if there had been previous Council action on this item for mitigation. Code Compliance Official Danny Stallone said this mitigation issue had never been presented to Council before. There had been some misunderstanding on the property owner's part regarding the mitigation, including the fact that the mitigation amount must be approved by Council. Councilmember Starkey asked that the notice indicating that the information regarding the mitigation amount needing to be approved by Council be made more obvious to property owner's signing the request.

Vice-Mayor Crowley made a motion to approve. Motion died for lack of a second.

Mayor Paul stated that a member of the public wanted to speak on this item to which Councilmember Caletka objected.

Joanne Shopay, representative of the title company, advised that they thought the amount had been mitigated and had sent the check prematurely. She asked Council to approve the mitigation amount.

Councilmember Caletka said this was a worst-case scenario: a foreclosure had resulted in the bank's taking back the property and letting it sit. In these cases, he recommended a higher mitigation amount.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley to approve a \$19,745.10 mitigation amount. In a voice vote, with Councilmember Luis dissenting, all voted in favor. (Motion carried 4-1)

4.26 & 6.7 Earlier in the meeting, Mr. Rayson read the ordinance by title. Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis acknowledged the Town needed a fee, but felt the amount was too much and would hurt smaller businesses. He wanted the fee to be scaled back.

Vice-Mayor Crowley agreed and asked staff what the fee included and what the fee would be per square foot for commercial development. He asked if the fee could be spread out over five years instead of three. Vice-Mayor Crowley was concerned about the impact this could have on the Traffic Oriented Corridor and other large projects.

Councilmember Caletka stated that he would be open to a five-year plan, but he supported this because residents were already paying for the existing infrastructure. He believed the intent was to examine this policy every year to ensure it was valid. If this was the case, Councilmember Caletka supported moving forward now.

Councilmember Starkey remembered that the workshop had made it clear that the Town had low impact fees compared to other municipalities and that growth in Davie had not paid for itself, and she agreed with adjusting the impact fee schedule.

Councilmember Luis made a motion to table item 6.7.

Mayor Paul said she would agree with tabling the item to consider a five-year plan, with an annual review.

Councilmember Luis reiterated his motion to table to August 19, 2009 and Vice-Mayor Crowley seconded. Vice-Mayor Crowley requested that Council be informed what all of the fees would be.

In a voice vote, with Councilmember Caletka dissenting, all voted in favor.
(Motion carried 4-1)

Council agreed that they wished to see a five-year plan with the annual review.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to table item 4.26 to August 19, 2009. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

6. PUBLIC HEARING

Resolutions

6.1 CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2010-2014. (tabled from June 17, 2009)

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting.

Councilmember Luis made a motion to approve.

Michael Bartlett, Parks and Recreation Advisory Board member, stated that the Bamford Field reprogramming plan contained in the resolution had never been presented to the Board, and he wanted this brought before them first.

As no one else spoke, Mayor Paul closed the public hearing portion of the meeting.

Mayor Paul confirmed with Mr. Diez that staff was regularly sending reports and requesting extensions regarding the FCT funding. Mr. Diez explained that the Van Kirk project was more a Broward County grant issue than an FCT issue.

Councilmember Caletka seconded the motion to approve.

Councilmember Starkey was concerned that some of the funding sources were incorrect. Mr. Diez explained that projects that had not met the funding levels had been pushed to 2011. Mr. Shimun reminded Council that all of these projects would come back to Council before they were begun. Councilmember Starkey also wanted projects with specific impacts presented to the appropriate advisory board prior to inclusion in the Capital Project Program.

In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - no. (Motion carried 4-1)

- 6.2 **ASSESSMENTS** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN; CONFIRMING THE IMPOSITION OF FIRE RESCUE ASSESSMENTS AGAINST PARCELS OF PROPERTY LOCATED WITHIN THE TOWN WHICH WERE OMITTED FROM THE ASSESSMENT ROLL; APPROVING A SUPPLEMENTAL ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.3 **WATER SUPPLY PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE REVISED TEN (10) YEAR WATER FACILITIES SUPPLY WORK PLAN**

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - Second and Final Reading

6.4 **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING COMPREHENSIVE PLAN AMENDMENT APPLICATION LABC-05-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING THE LAND USE CATEGORY "TRANSIT ORIENTED CORRIDOR" AND ADDING NEW POLICIES RELATING TO THE TRANSIT ORIENTED CORRIDOR DESIGNATION; AND BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN LANDS FROM: "INDUSTRIAL", "COMMERCIAL", "COMMERCE/OFFICE", "COMMUNITY FACILITY", "RECREATION AND OPEN SPACE", "TRANSPORTATION", "UTILITY", AND "RESIDENTIAL 10 DU/ACRE" TO: "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading March 1, 2006, with Councilmember Crowley's corrections. All voted in favor.}**

This item was tabled earlier in the meeting.

- 6.5 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING AN AMENDMENT TO THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN IN ORDER TO INCORPORATE THE 2005 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS PURSUANT TO SECTION 163.3191 FLORIDA STATUTES; AMENDING THE TOWN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM: "RESIDENTIAL 1 DU/AC", "RESIDENTIAL 3 DU/AC", "RESIDENTIAL 5 DU/AC", "SPECIAL CLASSIFICATION RESIDENTIAL 2 DU/AC", "SPECIAL CLASSIFICATION RESIDENTIAL 8 DU/AC", "COMMERCIAL", "RESIDENTIAL OFFICE", "RECREATION OPEN SPACE" TO: "CONSERVATION" OR "RECREATION OPEN SPACE"; AMENDING THE INFRASTRUCTURE, CAPITAL IMPROVEMENT, INTERGOVERNMENTAL AND PARKS, RECREATION OPEN SPACE AND CONSERVATION ELEMENTS OF THE COMPREHENSIVE PLAN IN ORDER TO PROVIDE FOR THE STATE MANDATED WATER SUPPLY AMENDMENTS; PROVIDING FOR THE TRANSMITTAL OF THE AMENDMENT PACKAGE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading February 18, 2009, the transmittal to the Department of Community Affairs of these EAR-based amendments and staff would look into the issues Council had directed. In a voice vote, with Councilmember Hubert being absent, all voted in favor}.**

This item was tabled earlier in the meeting.

- 6.6 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE UTILITIES CODE, CHAPTER 25, BY ADDING ARTICLE IV, PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-33 ENFORCEMENT OF PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-34 DEFINITIONS; SECTION 25-35 MANDATORY PRE-EXCAVATION PROCEDURES; SECTION 25-36 EXEMPTIONS; SECTION 25-37 EXCAVATION IN THE ABSENCE OF UNDERGROUND FACILITIES MARKINGS BY MEMBER OPERATORS; SECTION 25-38 EXCAVATION PROCEDURES AND INSTALLATION OF FACILITIES; SECTION 25-39 NOTIFICATION UPON CONTACT; SECTION 25-40 ENFORCEMENT BY CIVIL VIOLATION PROCESS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **{Approved on First Reading June 17, 2009. In a voice vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes;**

**Councilmember Caletka - no; Councilmember Luis - no;
Councilmember Starkey - yes.}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis felt this was unnecessary and opposed the ordinance.

Councilmember Luis made a motion, seconded by Councilmember Caletka, to deny. In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - no. (Motion failed 2-3)

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Luis - no; Councilmember Starkey - yes. (Motion passed 3-2)

- 6.7 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING CHAPTER 18 SECTION 10 IMPACT FEES FOR POLICE, FIRE, PARKS & RECREATION AND GENERAL ADMINISTRATION SERVICES PROVIDING FOR DEFINITIONS; PROVIDING FOR IMPOSITION OF IMPACT FEES; PROVIDING FOR CREDITS; PROVIDING FOR ACCOUNTABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 17, 2009. In a voice vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - out of room; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes.} [see related item 4.26]**

This item was tabled earlier in the meeting.

- 6.8 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 16, CREATING ARTICLE VI ENTITLED "FAIR HOUSING CODE" PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, DISABILITY OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE TOWN COUNCIL AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 17, 2009 approved subject to amending the title to**

remove “handicap” from title and change to “disability.” All voted in favor.}

Mr. Rayson read the ordinance by title.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis to approve with the subject changes as noted in the first hearing. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

- 6.9 **TRAINING PROGRAM/ASSESSMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A CRIMINAL JUSTICE EDUCATION AND TRAINING PROGRAM; AUTHORIZING THE ASSESSMENT OF AN ADDITIONAL TWO DOLLARS (\$2.00) IN CIVIL PENALTIES FOR EACH TRAFFIC INFRACTION COMMITTED WITHIN THE TOWN TO FUND THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading June 17, 2009. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting.

Arthur Joseph said he opposed this ordinance. He felt it was “just another rip on the Town’s behalf” and that it was “exorbitant.”

As no one else spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Luis made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

7. **APPOINTMENTS**

7.1 Mayor Paul

- 7.1.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.2 Vice-Mayor Crowley

- 7.2.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

Vice-Mayor Crowley had two appointments and agreed to provide their names to Mr. Muniz.

- 7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.3 Councilmember Luis

- 7.3.1 Green Energy and Environmental Committee (one exclusive appointment - term expires April 2010)

No appointment was made.

- 7.3.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.3.3 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

Councilmember Luis appointed Bill Collier.

7.4 Councilmember Starkey

7.4.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.4.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

8. OLD BUSINESS

8.1 Travel Sports Program Fee Follow-Up

Earlier in the meeting, Parks and Recreation Director Dennis Andresky drew Council's attention to the summary sheet of costs for the Travel Sports program field rental and use by Town program teams he had sent to Council, including the Parks and Recreation Advisory Board's recommendations. The old field rental fees were \$50 for two hours of use, which included recovery of field and building maintenance. The revised costs included just those costs related to the program: field prep, lighting and janitorial services for the building. The Board had recommended a field rental fee for the Travel Sports program of 50% of the Town's actual costs reflected in the summary sheet. For Town program teams that had tournaments, the Board had recommended a field use fee at a 25% discount from actual costs.

Mayor Paul favored accepting the Board's recommendation.

Councilmember Luis asked if the reason teams from other municipalities used Davie's fields was because their own municipalities would not discount the field rental. Mr. Andresky said there was only one tournament, Rising Stars, with which the Town had a previous agreement that stipulated the program would have field use and would pay for overtime costs relative to the tournament. This was the only tournament that did not pay the full tournament field use fee of \$175 per day, per field plus any other staff or police costs. Councilmember Luis did not want to give a break to teams that did not serve Davie children.

Mayor Paul clarified that all other tournament teams paid the full fee. Mr. Andresky explained that Rising Stars was a Davie co-sponsored tournament. He indicated that if the Town wished to change that to make them pay 100%, they could choose to do so.

Michael Bartlett, Parks and Recreation Advisory Board member, stated the Board did not want to provide a discount field "to all of South Florida." This was meant to encourage participation by Davie kids. He said the Board would consider ways to create a system flexible enough for Davie to field the teams without being either too loose or too restrictive.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Caryl Casey-Hattan, Parks and Recreation Board Advisory member, indicated that the Board had worked very hard on this, and they had considered how many of the participants were Davie residents.

9. NEW BUSINESS

9.1 Trail Marker Recommendations - Davie Agricultural Board

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve.

Mayor Paul reminded Councilmember Starkey that the Open Space Advisory Committee had recommended that open space bond funds be used.

In a voice vote, all voted in favor. (Motion carried 5-0)

9.2 Reconsideration of Council Action (Item 4.9, June 16, 2009) - Mayor Paul

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A "STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCALLY FUNDED AGREEMENT" FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS ALONG SR-7/US-441 FROM ORANGE DRIVE (M.P.6.485) NORTH TO I-595 (M.P.7.400) (Town's share - \$62,775) **{Denied on June 17, 2009. In a voice vote, Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - no}**

Mayor Paul stated that it had been brought to her attention that Council had not been presented with all salient information when they had voted on this issue previously, so she was requesting reconsideration. She had spoken with Urban Forester Tim Lee and Planning and Zoning Manager David Quigley regarding additional monies that would come from the Tree Preservation Fund.

Mayor Paul made a motion, seconded by Councilmember Starkey, to reconsider. In a voice vote, with Councilmember Caletka and Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 3-2)

Councilmember Starkey made a motion, seconded by Mayor Paul, to approve. In a voice vote, with Councilmember Caletka and Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 3-2)

9.3 2009 Communities for a Lifetime Award - Edith Lederberg, Executive Director of the Area Agency on Aging

Earlier in the meeting, Ms. Lederberg announced that Mayor Paul had been elected to the Broward Senior Hall of Fame this year.

Ms. Lederberg stated that the Town had been selected by the Florida Department of Elder Affairs as one of the four most outstanding municipalities in the State as a Community for a Lifetime and presented the Town with a plaque commemorating this. Mayor Paul thanked the Senior Advisory Committee and Recreation Coordinator Bette Gibson for their work.

10. SCHEDULE OF NEXT MEETING

Town Clerk Muniz stated that the budget hearings were scheduled August 18th at noon and September 8th and 21st at 5:15 p.m.

**11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER CALETKA**

I-595 EXPRESS LANES. Councilmember Caletka reported that he and Mr. Shimun had again traveled to Tallahassee with no positive result. Councilmember Caletka advised that he planned to try a different avenue and noted that stimulus finds had been used for this project. He indicated that he planned to ask members of Congress

representing Davie to “yank” the funds because the project would have the adverse effect of imposing an additional financial burden on the Town.

AVAILABLE LAND IN DISTRICT 1. Councilmember Caletka stated that there was the possibility of acquiring land in the old Palma Nova location and requested that this move forward.

COUNCILMEMBER LUIS

SUNRISE FIRE STATION. Councilmember Luis reported that the Fire Department had started working out of the Sunrise station. Fire Chief Joe Montopoli advised that staff was finalizing the interlocal agreement between Davie and Sunrise and until then, they would operate out of Sunrise’s station. In the future, they would move into the temporary trailer at Weston High School and eventually into the station once it was built.

WASTE MANAGEMENT. Councilmember Luis felt that since the I-595 project was within the Town’s limits, Waste Management would be the trash hauler, and would be required to give Davie the 20% franchise fee. Mr. Shimun advised that the State, not the Town, would determine what waste hauler was used for this project.

Councilmember Luis stated that staff must let all schools in Davie know that they must use Waste Management for trash hauling.

SHENANDOAH SECURITY COMPANY ACCESS. Councilmember Luis advised that the security company for Shenandoah had requested either a key to the park or a lockbox to allow them to perform patrols. Mr. Shimun stated that there were concerns about who would be responsible if a gate were left open and someone was hurt. Mr. Andresky indicated that he would check with Risk Management regarding these issues.

COUNCILMEMBER STARKEY

WELCOME TO THE UNITED STATES. Councilmember Starkey welcomed the law student from Chile who was visiting with her family.

MARKER DESIGNS. Councilmember Starkey advised that she had photos of markers she had taken while on vacation to present to the Town’s development community.

ROBBINS LODGE TRAIL. Councilmember Starkey appreciated that the Robbins Lodge trail was moving forward and would open soon.

MAYOR PAUL

ADOPTION OF PARKS. Mayor Paul reported that four local landscapers had offered to adopt parks and provide one year of free landscaping to help the Town with the budget. The landscapers had requested to meet with Mayor Paul, Mr. Shimun and Mr. Diez regarding the arrangements.

ANNUAL FAMILY RETREAT. Mayor Paul thanked Memorial Hospital and the Police Athletic league for the family retreat on July 18th.

FLAG RETIREMENT CEREMONY. Mayor Paul reminded everyone that there would be a flag retirement ceremony conducted by Boy Scout Troop 183 at St. Bonaventure Field on August 6th.

SEMINOLE FIREWORKS DONATION. Mayor Paul thanked the Seminole tribe for their donation toward the Town’s July 4th fireworks display.

HAPPY BIRTHDAY BOB ROTH. Mayor Paul congratulated Bob Roth on his 99th birthday on July 7th.

SLAUGHTER OF HORSES. Mayor Paul wanted to create a Crime Watch called “Barn Watch” to protect the Town’s horses.

PAIN CLINICS. Mayor Paul asked staff to investigate how many pain clinics there were in Town and to make a recommendation regarding action the Town should take.

SWINE FLU. Mayor Paul wanted to discuss whether there was any additional action the Town could take to keep residents educated.

12. TOWN ADMINISTRATOR’S COMMENTS

No comments were made.

13. TOWN ATTORNEY’S COMMENTS

PROPERTY SALE. Mr. Rayson stated that Council approval was required to sell lots the Town had acquired in a foreclosure action and advised that an RFP must be issued for a realtor to handle the sale. Councilmember Starkey recommended posting the property rather than hiring a realtor. Councilmember Caletka believed the Charter allowed them to forego the RFP. Mr. Rayson stated that Mr. Hyman believed it must be bid upon. Budget and Finance Director Bill Ackerman reported that the State Statutes directed that professional services must go out to bid. He agreed to confirm this and if it was required, they would begin creating the RFP the next day.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to authorize Mr. Rayson to appraise, then sell the property. In a voice vote, all voted in favor. (Motion carried 5-0)

HEALTH INSURANCE. Mr. Rayson said that Human Resources had confirmed that he qualified as an employee. He requested a modification of his contract for the Town to provide him individual health, dental and vision coverage, with the stipulation that he would pay additional premiums for family coverage. Human Resources Barbara DuPré estimated that this would cost between \$350 and \$600 per month.

Vice-Mayor Crowley noted that Mr. Rayson had not requested a salary increase in two years and said that he would not object to this request as long as the coverage was for the HMO insurance. Councilmember Caletka agreed that Mr. Rayson was an employee and this was a fair request. Mayor Paul advised this should be put on a future agenda.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:20 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

